

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

FRANK L. JUDE, JR.,

Plaintiff,

STATE OF WISCONSIN DEPARTMENT OF
JUSTICE, OFFICE OF CRIME VICTIM
COMPENSATION SERVICES and STATE OF
WISCONSIN, DEPARTMENT OF HEALTH AND
FAMILY SERVICES,

Case No. 06-C-1101

Involuntary Plaintiffs,

v.

CITY OF MILWAUKEE, et al.,

Defendants

AFFIDAVIT OF SUSAN E. LAPPEN

STATE OF WISCONSIN)
) ss.
MILWAUKEE COUNTY)

Susan E. Lappen, being first duly sworn on oath, deposes and states as follows:

1. I am an Assistant City Attorney for the City of Milwaukee, and I, along with Assistant City Attorney Miriam R. Horwitz, have been assigned to represent the defendant, City of Milwaukee, in the above-captioned litigation.

2. I have personal knowledge of the information averred to herein.

3. Upon receipt of plaintiff's motion and supporting documents on or about December 7, 2009, our paralegal support staff began the process of reviewing our file, in response to the plaintiff's brief and materials filed in support thereof.

4. Our staff indicates that they require an additional three to four weeks to complete the process of reviewing the thousands of pages of documents, and dozens of deposition

transcripts which have been generated to date, through the course of discovery in this case, in order to complete their review process in assisting with responding to the pending motion.

5. Furthermore, Mr. Andrew Spengler is scheduled for a deposition in Texas on January 25-26, 2010.

6. Mr. Spengler is a critical witness in this case, as he was one of the three convicted defendants in the context of the related federal criminal prosecution, but he has not provided sworn testimony in any proceeding to date.

7. The deposition on January 25-26, 2010 will be the first time that Mr. Spengler will present sworn testimony regarding the subject events.

8. Counsel for the defendant, City of Milwaukee, have conferred and agree that Mr. Spengler's anticipated testimony will be significant in preparing and presenting the City of Milwaukee's responsive brief, regarding the plaintiff's pending motion.

9. It is anticipated that the process of preparing, receiving and reviewing the transcript generated from the above-noted deposition will take at least two weeks.

10. Therefore, defendant, City of Milwaukee, requests an extension of its deadline for filing a response to the plaintiff's pending motion to February 15, 2010.

s/Susan E. Lappen

Subscribed and sworn to before me
this 23rd day of December, 2009.

s/Eva Morris
Notary Public, State of Wisconsin
My Commission expires 07/29/12
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